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Attorneys for Defendant

TESLA, INC. DBA TESLA MOTORS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ and LAMAR
PATTERSON, an individual

Plaintiff,

vs.

TESLA, INC. DBA TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST VALLEY
STAFFING GROUP; CHARTWELL STAFFING
SERVICES, INC. and DOES 1-10, inclusive,

Defendants.

CASE NO.: 3:17-cv-06748-WHO

**DECLARATION OF AARON M.
RUTSCHMAN IN SUPPORT OF
DEFENDANT TESLA, INC. DBA TESLA
MOTORS, INC.'S JOINDER TO
CHARTWELL STAFFING SERVICES,
INC.'S MOTION TO COMPEL
ARBITRATION**

Date: February 21, 2018

Time: 2:00 p.m.

Location: Courtroom 2

Judge: Hon. William H. Orrick

Complaint Filed: October 16, 2017

Removal: November 22, 2017

Trial Date: None Set

DECLARATION OF AARON M. RUTSCHMAN

I, Aaron M. Rutschman, declare as follows:

1. I am an attorney licensed to practice law in the State of California and admitted to appear before this Court. I am an associate of the Los Angeles and San Francisco offices of Constangy, Brooks, Smith & Prophete, LLC, attorneys of record for Defendant Tesla, Inc. dba Tesla Motors, Inc. (“Tesla”). I have personal knowledge of the matters stated herein and can competently testify to each of them.

2. I submit this declaration in support of Tesla’s Joinder to Defendant Chartwell Staffing Services, Inc.’s (“Chartwell”) Motion to Compel Arbitration.

3. On or about October 16, 2017, Plaintiff filed a complaint in the Alameda Superior Court purporting to allege 11 causes of action, including: (1) race discrimination, harassment, retaliation, failure to prevent, constructive and wrongful termination (42 U.S.C. § 1981); (2) race discrimination (Unruh Civil Rights Act); (3) interference with constitutional rights (Bane Act); (4) race harassment (FEHA); (5) race discrimination (race) (FEHA); (6) retaliation (FEHA); (7) failure to prevent (FEHA); (8) negligent infliction of emotional distress; (9) intentional infliction of emotional distress; (10) negligent hiring, retention and supervision; and (11) constructive wrongful discharge in violation of public policy. Plaintiff seeks general and special damages, punitive damages, civil penalties, attorneys’ fees, interest, costs and injunctive relief.

4. On or around November 22, 2017, Tesla removed this action to the Northern District of California and Chartwell joined in the removal.

5. Tesla and Chartwell have not waived any right to compel binding arbitration as no discovery has been undertaken by any party to this action to date.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed January 17, 2018 at Los Angeles, California.

/s/ Aaron M. Rutschman

Aaron M. Rutschman